



ABC Television Affiliates Association

August 29, 2007

Mr. Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Written *Ex Parte* Communication of
ABC Television Affiliates Association
CS Docket No. 98-120

Dear Chairman Martin:

The ABC Television Affiliates Association represents 175 local television stations affiliated with the ABC Television Network.

As Chairman of the Association, I am writing in support of the Commission's proposals (1) to require cable operators to ensure that cable subscribers with analog television sets are able to continue to view all must-carry stations after February 17, 2009, either by downconverting the digital signal to analog format or by providing subscribers with equipment that would enable them to view a digital signal on analog equipment and (2) to prohibit cable operators from materially degrading the digital signals of must-carry stations according to an objective standard. Both of these consumer-friendly proposals are consistent with statutory requirements, and both proposals should be adopted as soon as possible to help ensure a smooth digital transition which will now occur in less than 18 months.

The Commission's proposal to implement the viewability requirement of Section 614(b)(7) of the Act by giving cable operators a *choice* in how to satisfy the requirement is even-handed and constitutionally-sound. Interestingly, both options are already utilized by cable operators and other MVPDs today with respect to carriage of television stations that have elected retransmission consent. Cable operators that have converted to all-digital systems, as well as newer entrants, typically provide set-top boxes to their subscribers that enable those subscribers with high-definition digital sets to watch programs in their native formats while at the same time enabling those subscribers with analog sets to watch programs in a downconverted format. In contrast, cable operators that have yet to convert to all-digital systems, as well as satellite carriers, have tended to provide their subscribers with a pair of signals from a single television station, one in high-definition digital and the other in analog (or digitized analog, in the case of satellite carriers).

Cable operators have made this choice based on their own economic determinations. The Commission's proposal allows cable operators to continue to exercise that choice. What the Commission's proposal does not allow is for a cable operator to make an economic determination to abandon must-carry stations, exacerbate the digital divide after February 17, 2009, and deprive a specific class of subscribers of continued access to must-carry television stations. The Commission's proposal simply implements the statutory requirement that all must-carry stations' signals "shall be viewable via cable on all television receivers of a subscriber which are connected to a cable system by a cable operator or for which a cable operator provides a connection."¹ 47 U.S.C. § 534(b)(7).

The Commission's proposal to use an objective standard to measure material degradation by requiring retransmission of all "content bits" in the primary digital transport stream is necessary to ensure that consumers receive the full benefits of the transition to digital television. As the general manager of a television station and the president of a small broadcast group with several other television stations, I can assure you that the rate shaping that cable operators engage in when they statistically multiplex various signals together results in material degradation that is readily perceptible to the average viewer. HD signals provided by some cable systems are full of artifacts that HD signals received over the air do not contain. Many cable operators take television stations' HD signals directly by a fiber feed, which, in theory, ought to provide the cleanest and best-looking picture a viewer could ever hope to obtain. But, in practice, remodulation, compression, and rate shaping by cable operators all combine to drop so many content bits that the missing pieces add up to a real loss in picture quality and the overall viewing experience. Over-the-air broadcast HD signals look far better, and to allow cable operators to degrade those signals would constitute a disservice to viewers. It would also violate the statute.

The Commission's proposal to require the retransmission of all content bits is the only mechanism that can ensure material degradation will not occur. Any subjective standard, by definition, allows degradation to occur until it reaches some unspecifiable threshold beyond which it is deemed unacceptable. The problem is that cable operators process digital signals dynamically so that the relative percentage of content bits being passed through may vary from instant to instant. The result is that viewers do not see what, in an analog context, would be a constantly snowy analog picture which is perceptible and obvious at all times, but rather, in the

¹ There is no question that analog television sets will continue to qualify as "television receivers" after February 17, 2009, since many thousands of low power and translator television stations will continue to broadcast in analog format. As result, there will be countless analog television receivers in use to receive these over-the-air analog television signals.

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digital context, they see pixelization, macroblocking, freezing, and other artifacts that vary moment to moment—with a viewing experience willfully marred by a cable operator.

Television stations have invested billions of dollars to bring the best and most diverse digital television experience to America's television viewers while, at the same time, maintaining an analog television service. Cable operators should not be permitted to short-change that investment or undermine the congressionally-mandated digital transition by failing to provide for viewability of *all* signals on all television sets or by degrading and stripping content bits from television stations' digital signals.

The Association respectfully urges the Commission to adopt its viewer-friendly digital cable carriage proposals.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Cole", with a long horizontal line extending to the right.

Ray Cole
Chair
ABC Television Affiliates Association

cc: Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein
Commissioner Deborah Taylor Tate
Commissioner Robert M. McDowell
Ms. Monica Desai
Ms. Eloise Gore